

Appln No. 10/533,348
Amdt date January 30, 2008
Reply to Office action of October 30, 2007

REMARKS/ARGUMENTS

Reconsideration of the application is respectfully requested. Currently claims 1 and 3-6 are pending in the application. Claim 1 has been amended.

Claims 1 and 4-5 have been rejected as allegedly obvious over Van der Wal in view of admitted prior art. It is respectfully submitted that claim 1 as amended is not obvious over Van der Wal in view of any prior art.

The present invention is a device for arranging at least two bands around one or more packets comprising a supply reel having a supply roll for a band of the strap type and a supply roll for a band of the film type. The device further has band clamping and guiding means which move transversely of the conveyor belt away from and toward each other and which are connected to associated supply reels for the bands, and the band clamping and guiding means are arranged for applying simultaneously the strap type band and the film type band one above the other around the packets.

Van der Wal discloses in Figure 1 a multiple taping device having four identical supply reels 6 for four identical bands. This is the only embodiment for applying a plurality of bands with a single device. Although Van der Wal refers to different types of tapes, the reference does disclose nor suggest that two different types of bands can be arranged around a packet with a single machine. Van der Wal specifically discloses a device for applying a tape around objects, wherein the ends of the tape are glued together along a joint which is only loaded by sheer forces, see column 1, lines 65 - column 2, line. Van der Wal does not teach or suggest a device for simultaneously applying different types of bands and certainly not a device suitable for applying both a band of the film type and of the strap type at the same time. Machines for arranging a band of the strap type have been known for more than thirty years. Machines for arranging a band of the film type have been known for more than fifteen years. However, never before the prior invention has there been disclosed a single machine for applying both a band of the strap type and a band of the film type with a single machine. It is with improper hindsight that the Examiner is rejecting the claims as obvious over the Van der Wal reference.

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Claims 3 and 6 have been rejected as allegedly obvious over Van der Wal in view of Odenthal. It is respectfully submitted that claims 3 and 6 as amended are not obvious over the cited combination. The Examiner recognizes that Odenthal does not disclose the deficiencies of Van der Wal but simply was cited as disclosing different width bands.

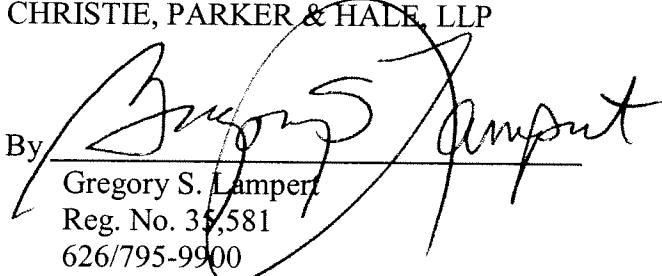
The Examiner has indicated in its response to Applicant's previous amendment that claim 1 did not positively recite both bands of the film type and the strap type. Although Applicant respectfully disagrees with the Examiner in that claim 1 previously recited "the at least two types of bands comprising a band of the strap type and a band of the film type...", in addition claim 1 has been amended to now further recite "supply reels having a supply roll for a band of the strap type and a supply roll for a band of the film type." Consequently, the two band types have been positively recited.

In view of the foregoing amendment and remarks, it is respectfully submitted that the application is now condition for allowance, and, accordingly, early indication thereof is respectfully requested.

Respectfully submitted,

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